

**REMARKS**

This communication is a full and timely response to the non-final Office Action dated March 9, 2005 (Paper No./Mail Date 20050218). By this communication, the title of the invention has been amended. Further, claims 8 and 13 have also been amended.

The title has been amended to "Optical Disc Drive and Optical Pickup Apparatus That Correct Astigmatism."

Claim 8 has been amended to improve idiomatic English and form and to recite that the first and second light sources are disposed so that the laser beam emitted from the first light source and the laser beam emitted from the second light source are deformed in the same direction. Support for the subject matter recited in claim 8 can be found variously throughout the specification, for example, at paragraph [0052] of corresponding U.S. Patent Application Publication No. 2004-0052172. No new matter has been added.

Claim 13 has been amended to improve idiomatic English and form and to recite that the first and second light sources are disposed so that the laser beam emitted from the first light source and the laser beam emitted from the second light source are deformed in the same direction. Support for the subject matter recited in claim 13 can be found variously throughout the specification, for example, at paragraph [0052] of corresponding U.S. Patent Application Publication No. 2004-0052172. No new matter has been added.

Claims 8-19 are pending where claims 8 and 13 are pending.

**Objection to the Specification**

The specification was objected to as failing to be precise or descriptive. Applicant has amended the title of the invention to "Optical Disc Drive and Optical Pickup Apparatus That Correct Astigmatism." Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

**Objection to the Drawings**

The drawings were objected to for failing to properly show a feature of the claims. In particular, the Office Action alleges that the drawings fail to illustrate "direction of the deformation, caused by the astigmatism, of the sectional shape of laser beams." Applicant respectfully submits that the subject matter at issue has been canceled from the claims. Accordingly, the objection to the drawings should be withdrawn.

**Rejections Under 35 U.S.C. §112**

Claims 8-19 were rejected under 35 U.S.C. §112, first paragraph as not fulfilling the written description requirement. In particular, the Office Action alleges that the “directions of deformation of laser beam” recitation in claims 8 and 13 is not adequately supported in the specification. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution, the aforementioned recitation has been canceled from the claims. Accordingly, Applicant respectfully requests that the rejection of claims 8-19 under §112, first paragraph be withdrawn.

Claims 8-19 were rejected under 35 U.S.C. §112, second paragraph as indefinite. In particular, the Office Action alleges that the term “near” as recited in claims 8 and 13 is unclear. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution, the term “near” has been canceled from the claims. Accordingly, Applicant respectfully requests that the rejection of claims 8-19 under §112, second paragraph be withdrawn.

**Rejections Under 35 U.S.C. §102**

Claims 8-10, 12-15, and 17-19 were rejected under 35 U.S.C. §102(e) as anticipated by *Shimano et al.*, U.S. Patent No. 6,400,664. Applicant respectfully traverses this rejection.

Claim 8 recites an optical pickup adapted to irradiate a laser beam to an optical recording medium, detect a return light from the optical recording medium and providing a result of return light detection, the optical pickup comprising first and second light sources that emit laser beams of different wavelengths, respectively; a photodetector that detects the return light from the optical recording medium; and an optical system that converges the laser beam emitted from a selected one of the first and second light sources onto the optical recording medium and guides a return light from the optical recording medium to the photodetector; and wherein the first and second light sources are disposed so that the laser beam emitted from the first light source and the laser beam emitted from the second light source are deformed in the same direction, and wherein the optical system includes an astigmatism correcting means for correcting astigmatism associated with the laser beams emitted from both the first and second light sources.

Claim 13 recites an optical disc drive adapted to read information from an optical disc by emitting a laser beam from a selected one of a plurality of light sources disposed apart from each

other radially of the optical disc and focusing the laser beam on the optical disc, detecting a return light resulted from reflection of the laser beam at the optical disc and processing the result of return light detection, the optical disc drive including first and second light sources that emit laser beams of different wavelengths, respectively; a photodetector that detects the return light from an optical recording medium; an optical system that converges the laser beam emitted from a selected one of the first and second light sources and guides the return light from the optical recording medium to the photodetector, wherein the first and second light sources are disposed so that the laser beam emitted from the first light source and the laser beam emitted from the second light source are deformed in the same direction, and wherein the optical system includes an astigmatism correcting means for use with the laser beams emitted from the first and second light sources.

*Shimano* discloses an optical system that includes two semiconductor lasers (2001, 2002) that emit light into diffraction gratings (2003, 2004) to generate  $\pm 1^{\text{st}}$  order diffracted lights. The light is reflected by a dichromatic mirror (2005), passes through a beam splitter (2006), reflected at a triangle reflection mirror (2007), and converged on an optical disc (2009, 2010).

*Shimano*, however, fails to disclose, teach, or suggest at least that the first and second light sources are disposed so that the laser beam emitted from the first light source and the laser beam emitted from the second light source are deformed in the same direction. At best, *Shimano* discloses that adding a diffraction grating to a fixed optical system without mounting it on an objective lens eliminates astigmatism.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Shimano* fails to disclose, teach, or suggest every element recited in independent claims 8 and 13, therefore *Shimano* fails to anticipate these claims. Accordingly, Applicant respectfully requests that the rejection of claims 8 and 13 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Claims 9, 10, and 12 depend from claim 8, and claims 14, 15, and 17-19 depend from claim 13. By virtue of this dependency, Applicant submits that claims 9, 10, 12, 14, 15, and 17-19 are allowable for at least the same reasons given above concerning their respective base claims. In addition, Applicant submits that claims 9, 10, 12, 14, 15, and 17-19 are further distinguished over *Shimano* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the

rejection of claims 9, 10, 12, 14, 15, and 17-19 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

**Rejection Under 35 U.S.C. §103**

Claims 11 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over *Shimano* in further view of *Gates et al.*, U.S. Patent No. 6,085,005. Applicant respectfully traverses this rejection.

Claim 11 depends from claim 8, and claim 16 depends from claim 13. By virtue of this dependency, Applicant submits that claims 11 and 16 are allowable for at least the same reasons given above concerning their respective base claims. In addition, Applicant submits that claims 2 and 3 are further distinguished over *Shimano* and *Gates* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 11 and 16 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

**Conclusion**

Based on at least the foregoing amendments and remarks, Applicants submit that claims 8-19 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-1748/CON from which the undersigned is authorized to draw.

Dated: June 7, 2005

Respectfully submitted,

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